

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

ELVIN LeBRON,

Plaintiff,

v.

9:08-CV-0508

LT. D. ARMITAGE, et. al.,

Defendants.

THOMAS J. McAVOY
Senior United States District Judge

DECISION and ORDER

This matter brought pursuant to 42 U.S.C. § 1983 was referred to the Hon. Andrew T. Baxter, United States Magistrate Judge, for a Report- Recommendation pursuant to 28 U.S.C. § 636(b) and Local Rules 72.3(c). The Magistrate Judge recommended that Defendant's motion for summary judgment be granted and that Plaintiff's Complaint be dismissed.

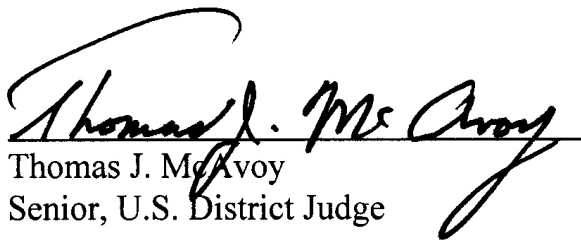
Plaintiff filed timely objections to the Report-Recommendation dated July 19, 2011. When objections to a Magistrate Judge's Report-Recommendation are lodged, the Court makes a "de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made." See 28 U.S.C. § 636(b)(1). After such review, the Court may "accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge. The judge may also receive further evidence or recommit the matter to the magistrate judge with instructions." Id.

Having reviewed the record *de novo* and having considered the issues raised in the Plaintiff's objections, the Court has determined to accept and adopt the recommendation of Magistrate Judge Baxter for the reasons stated in the Report-Recommendation.

Accordingly, Defendant's motion for summary judgment is GRANTED and Plaintiff's Complaint is DISMISSED.

IT IS SO ORDERED.

Dated: September 29, 2011


Thomas J. McAvoy
Senior, U.S. District Judge